IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No. 23 of 2007
In
Criminal Revision Application No. 176 of 1997

Yuvraj Hanmantrao Barge — Applicant
Vs.
State of Maharashtra — Respondent

Mr.S.V.Kotwal with Mr.M.S.Mohite for applicant.
Mr.Y.S.Shinde, APP for State.

CORAM: B.H.MARLAPALLE,J.

January 24, 2007.

P.C.

. By my judgment dated 16th and 17th January 2007, the order of conviction passed by the learned Assistant Sessions Judge in Sessions Case No.191 of 1991 and duly confirmed by the learned 3rd Addl. Sessions Judge vide his judgment and order dated 4/8/1997 has been upheld so far as the offences punishable under Sections 354 and 363 of IPC are concerned whereas the accused - applicant has been acquitted for the offence punishable under Section 366 of IPC. While I was to pass an order of sentence, the learned counsel for the applicant - accused had sought time to submit an application to seek the benefit under Section 360(4) of the Criminal Procedure Code for being released on probation rather than sentencing.

. This application has been filed by the accused and it is stated that he passed his B.Sc. in the year 1991 in distinction from the Shivaji University and obtained his Law Degree in the year 1998 from the very same University. He was thereafter enrolled as an Advocate with the Bar Council of Maharashtra and Goa under Registration No. Mah/918/1999 dated 27/3/1999. The applicant further states that he has been since then practising for the last more than seven years before the Koregaon Court. He got married in the year 1998 and from the said wedlock he has two sons, the elder being of the age of six years whereas the younger one is of four years. He also states that after the incident there have been no allegations against him either from the complainant or the family or any other person. He is not involved in any criminal complaint as an accused till this date. The parents of the original prosecutrix are also present before the Court and they have filed affidavits. In their affidavit Maruti Tatyaba Misale and his wife, the original complainant - Smt.Sarubai state that the prosecutrix was married in the year 1992 and she is happily leading her matrimonial life. Both the parents have supported the plea of the

applicant that he should be released on probation. The enquiries made by the learned APP with the Court at Koregaon also do not suggest any adverse behaviour on the part of the applicant during his standing of more than seven years as an advocate.

. Hence this application is allowed under Section 360(4) of Cr.P.C. and the applicant is released on probation on his entering into a bond. He shall be under observation / probation for a period of one year. The bond shall be furnished before the Sessions Court at Satara and he will appear before the learned Sessions Judge at the end of one year. He shall undoubtedly maintain good behaviour as a citizen as well as an advocate practising before the Court.

. The order of sentence shall stand suspended during the period of probation. If the learned Sessions Judge at the end of the expiry of the period of probation is satisfied about the behaviour of the applicant, the order of sentence will stand annulled.

. A copy of this order be forwarded to the learned District Judge, Satara forthwith.

(B.H.MARLAPALLE,J.)